Case 1:07-cv-08941-AKH	Document 1	Filed 10/05/2007	Page 1 of 11
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YOR	K		
IN RE WORLD TRADE CENTER DISASTER SITE LITIGATION		21 MC 100 (AKH)	
ROBERT D. SASSO AND KAREN SASSO		DOCKET NO.	
Pla	intiffs,	CHECK-OFF ("SH COMPLAINT RELATED TO THI	E
- against -		MASTER COMPLA	AINT
A RUSSO WRECKING, ET. AL.,		PLAINTIFF(S) DEN JURY	MAND A TRIAL BY
SEE ATTACHED RIDER,			
Def	endants.		
By Order of the Honorable Alv 2006, ("the Order"), Amended Master C			0
	NOTICE OF	ADOPTION	
All headings and paragraphs in instant Plaintiff(s) as if fully set forth he Plaintiff(s), which are listed below. These	nerein in additio	on to those paragraphs	specific to the individ

the ual (s), and specific case information is set forth, as needed, below.

Plaintiffs, ROBERT D. SASSO AND KAREN SASSO, by his/her/their attorneys WORBY GRONER EDELMAN & NAPOLI BERN, LLP, complaining of Defendant(s), respectfully allege:

I. PARTIES

A. PLAINTIFF(S)

a citizen of New York residing at 145-66 4th Avenue, Whitestone, NY 11357. (OR) 2. Alternatively, is the of Decedent	
2. Alternatively, \square is the of Decedent	
• ,	
and brings this claim in his (har) conscitutes of the Estate of	
, and brings this claim in his (her) capacity as of the Estate of	•

Case 1:07-cv-08941-AKH Documen	t 1 Filed 10/05/2007 Page 2 of 11
3. Plaintiff, Karen Sasso (hereinafte residing at 145-66 4th Avenue, Whitestone, NY 113 Plaintiff:	r the "Derivative Plaintiff'), is a citizen of New York 57, and has the following relationship to the Injured
SPOUSE at all relevant times ROBERT D. SASSO, and brir	herein, is and has been lawfully married to Plaintiff ngs this derivative action for her (his) loss due to the and (his wife), Plaintiff ROBERT D. SASSO.
□ Parent □ Child □	Other:
4. In the period from 9/20/2001 to 2/1/20 Wrecking, Inc. as a Operating engineer at:	002 the Injured Plaintiff worked for Mazzocchi
, , , , , , , , , , , , , , , , , , ,	illing in the following dates and locations
✓ The World Trade Center Site	□ The Barge
Location(s) (<i>i.e.</i> , building, quadrant, etc.) From on or about _9/20/2001_ until _2/1/2002_; Approximately _12_ hours per day; for	From on or about until; Approximately hours per day; for Approximately days total.
Approximately 180 days total.	Other:* For injured plaintiffs who worked at
☐ The New York City Medical Examiner's Office From on or about until,	Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the
Approximately hours per day; for Approximately days total.	dates alleged, for the hours per day, for the total days, and for the employer, as specified below:
☐ The Fresh Kills Landfill	From on or about; Approximately hours per day; for
From on or about until; Approximately hours per day; for Approximately days total.	Approximately days total; Name and Address of Non-WTC Site Building/Worksite:
	aper if necessary. If more space is needed to specify rate sheet of paper with the information.
5. Injured Plaintiff	
Was exposed to and breathed above;	noxious fumes on all dates, at the site(s) indicated
✓ Was exposed to and inhaled or dates at the site(s) indicated above;	r ingested toxic substances and particulates on all
Was exposed to and absorbed the site(s) indicated above;	or touched toxic or caustic substances on all dates at
✓ Other: Not yet determined.	

6.

Injure	d Plaintiff
V	Has not made a claim to the Victim Compensation Fund. Pursuant to \$405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
	Made a claim to the Victim Compensation Fund that was denied. Pursuant to § $405(c)(3)(B)(i)$ of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
	Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
	Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

☐ THE CITY OF NEW YORK	☑ A RUSSO WRECKING
☐ A Notice of Claim was timely filed and	☑ ABM INDUSTRIES, INC.
served on and	\blacksquare ABM JANITORIAL NORTHEAST, INC.
pursuant to General Municipal Law §50-	✓ AMEC CONSTRUCTION MANAGEMENT,
h the CITY held a hearing on(OR)	INC.
<u> </u>	✓ AMEC EARTH & ENVIRONMENTAL, INC.
☐ The City has yet to hold a hearing as required by General Municipal Law §50-h	✓ ANTHONY CORTESE SPECIALIZED
	HAULING, LLC, INC.
☐ More than thirty days have passed and	✓ ATLANTIC HEYDT CORP
the City has not adjusted the claim	☑ BECHTEL ASSOCIATES PROFESSIONAL
(OR)	CORPORATION
☐ An Order to Show Cause application to	☑ BECHTEL CONSTRUCTION, INC.
deem Plaintiff's (Plaintiffs') Notice of	☑ BECHTEL CORPORATION
Claim timely filed, or in the alternative to grant	☑ BECHTEL ENVIRONMENTAL, INC.
Plaintiff(s) leave to file a late Notice of Claim	☑ BERKEL & COMPANY, CONTRACTORS,
Nunc Pro Tunc (for leave to file a late Notice of	INC.
Claim <i>Nunc Pro Tunc</i>) has been filed and a	☑ BIG APPLE WRECKING & CONSTRUCTION
determination	CORP
is pending	☐ BOVIS LEND LEASE, INC.
Granting petition was made on	☑ BOVIS LEND LEASE LMB, INC.
☐ Denying petition was made on	☑ BREEZE CARTING CORP
	☑ BREEZE NATIONAL, INC.
☐ PORT AUTHORITY OF NEW YORK AND	☑ BRER-FOUR TRANSPORTATION CORP.
NEW JERSEY ["PORT AUTHORITY"]	
☐ A Notice of Claim was filed and served	P.C. ☑ C.B. CONTRACTING CORP
pursuant to Chapter 179, §7 of The	☑ C.B. CONTRACTING CORP
Unconsolidated Laws of the State of New	☐ CONSOLIDATED EDISON COMPANY OF
York on	NEW YORK, INC.
☐ More than sixty days have elapsed since	MEW TORK, INC. ☑ CORD CONTRACTING CO., INC
the Notice of Claim was filed, (and)	☐ CRAIG TEST BORING COMPANY INC.
☐ the PORT AUTHORITY has	☑ DAKOTA DEMO-TECH
adjusted this claim	☑ DAROTA DEMOTILENT ☑ DIAMOND POINT EXCAVATING CORP
☐ the PORT AUTHORITY has not	☑ DIEGO CONSTRUCTION, INC.
adjusted this claim.	☑ DIVERSIFIED CARTING, INC.
	☑ DATE ENTERPRISE, INC.
☐ 1 WORLD TRADE CENTER, LLC	☑ D'ONOFRIO GENERAL CONTRACTORS
□ 1 WTC HOLDINGS, LLC	CORP
☐ 2 WORLD TRADE CENTER, LLC	☑ EAGLE LEASING & INDUSTRIAL SUPPLY
☐ 2 WTC HOLDINGS, LLC	☑ EAGLE ONE ROOFING CONTRACTORS INC.
☐ 4 WORLD TRADE CENTER, LLC	☐ EAGLE SCAFFOLDING CO, INC.
☐ 4 WTC HOLDINGS, LLC	☑ EJ DAVIES, INC.
☐ 5 WORLD TRADE CENTER, LLC	☑ EN-TECH CORP
☐ 5 WTC HOLDINGS, LLC	☐ ET ENVIRONMENTAL
☐ 7 WORLD TRADE COMPANY, L.P.	□EVANS ENVIRONMENTAL

Please read this document carefully.

OTHER: _

☐ Non-WTC Site Building Owner	☐ Non-WTC Site Building Managing Agent
Name:	Name:
Business/Service Address:	
Building/Worksite Address:	Building/Worksite Address:
☐ Non-WTC Site Lessee	-
Name:	
Business/Service Address:	
Building/Worksite Address:	

Case 1:07-cv-08941-AKH Document 1 Filed 10/05/2007 Page 7 of 11 II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

Stabil	unded upon Federal Question Jurisdiction; specification Act of 2001, (or); Federal Officers I; Contested, by val jurisdiction over this action, pursuant to 28	Turisd ut the	iction, (or); \square Other (specify): Court has already determined that it has
	III CAUSES	S OF	ACTION
of lial law:			d defendants based upon the following theories a such a claim under the applicable substantive
V	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	V	Common Law Negligence, including allegations of Fraud and Misrepresentation
V	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		 ✓ Air Quality; ✓ Effectiveness of Mask Provided; ✓ Effectiveness of Other Safety Equipment Provided
V	Pursuant to New York General Municipal Law §205-a		(specify:); ✓ Other(specify): Not yet determined
V	Pursuant to New York General Municipal Law §205-e		Wrongful Death
		V	Loss of Services/Loss of Consortium for Derivative Plaintiff

Other: _____

Case 1:07-cv-08941-AKH Document 1 Filed 10/05/2007 Page 8 of 11 IV CAUSATION, INJURY AND DAMAGE

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

	Cancer Injury: N/A. Date of onset: Date physician first connected this injury to WTC work:		Cardiovascular Injury: N/A. Date of onset: Date physician first connected this injury to WTC work:
	Respiratory Injury: <u>Dyspnea</u> ; <u>Respiratory</u> <u>Problems</u> ; <u>Wheezing</u> Date of onset: <u>9/1/2003</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	✓	Fear of Cancer Date of onset: 10/31/2006 Date physician first connected this injury to WTC work: To be supplied at a later date
V	Digestive Injury: Kidney and Bladder Problems Date of onset: 10/31/2006 Date physician first connected this injury to WTC work: To be supplied at a later date	V	Other Injury: Sleeping Problems Date of onset: 1/9/2004 Date physician first connected this injury to WTC work: To be supplied at a later date

NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

 \checkmark Pain and suffering \checkmark Loss of the enjoyment of life \checkmark Loss of earnings and/or impairment of earning capacity \checkmark Loss of retirement benefits/diminution of retirement benefits \checkmark Expenses for medical care, treatment, and rehabilitation \checkmark Other: ✓ Mental anguish **☑** Disability ✓ Medical monitoring

Please read this document carefully.

It is very important that you fill out each and every section of this document.

✓ Other: Not yet determined.

3. As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

 $Plaintiff(s) \ demands \ that \ all \ issues \ of \ fact \ in \ this \ case \ be \ tried \ before \ a \ properly \ empanelled \ jury.$

Dated: New York, New York September 28, 2007

Yours, etc.,

Worby, Groner Edelman & Napoli Bern, LLP

Attorneys for Plaintiff(s), Robert D. Sasso and Karen Sasso

By:

Christopher R. LoPalo (CL 6466)

115 Broadway 12th Floor

New York, New York 10006

Phone: (212) 267-3700

ATTORNEY VERIFICATION

CHRISTOPHER R. LOPALO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury that:

He is the attorney for the plaintiff(s) in the above-entitled action.

That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows

the contents thereof, and upon information and belief, deponent believes

the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York September 28, 2007

CHRISTOPHER R. LOPALO

Docket N	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
	ROBERT D. SASSO (AND WIFE, KAREN SASSO),
	Plaintiff(s) - against -
	A RUSSO WRECKING, ET. AL.,
	Defendant(s).
	SUMMONS AND VERIFIED COMPLAINT
	WORBY GRONER EDELMAN & NAPOLI BERN, LLP Attorneys for: Plaintiff(s) Office and Post Office Address, Telephone 115 Broadway - 12th Floor New York, New York 10006 (212) 267-3700
	To Attorney(s) for
	Service of a copy of the within is hereby admitted. Dated,
	Attorney(s) for
	LEASE TAKE NOTICE: NOTICE OF ENTRY
	that the within is a (certified) true copy of an duly entered in the office of the clerk of the within named court on20
	that an orderof which the within is a true copy will be presented for settlement to the HON. one of the judges of the within named Court, at on20 atM. Dated, Yours, etc., WORBY GRONER EDELMAN & NAPOLI BERN, LLP